

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL WARD,

Petitioner,

v.

No. 03-72701

Honorable Arthur J. Tarnow

HUGH WOLFENBARGER,

Respondent.

**Order Declaring Petitioner's Motion to Vacate/Strike
Respondent's Notice of Appeal [38-1] as Moot**

On September 2, 2004, the Petitioner filed a motion to vacate/strike Respondent's Notice of Appeal [Docket 38-1]. On June 1, 2005, the United States Court of Appeals for the Sixth Circuit granted Respondent's motion to voluntarily dismiss the appeal. Therefore,

IT IS ORDERED that Petitioner's motion to vacate/strike the notice of appeal [Docket 38-1] is **MOOT**.

s/Arthur J. Tarnow

Arthur J. Tarnow

United States District Judge

Dated: August 23, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 23, 2005, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Case Manager